

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

KIDLYN VENTURES T/A SWAYING
PALMS,

Plaintiff

vs.

TUDOR INSURANCE COMPANY,

Defendant

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Civil Action No. _____

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendant Tudor Insurance Company files this Notice of Removal.

1. Plaintiff Kidlyn Ventures T/A Swaying Palms is now and at the time suit was filed was a citizen of the State of Texas. (See Appendix page 001, ¶ 2; page 002, ¶ 9; pages 37 - 38).

2. Defendant Tudor Insurance Company is now a corporation incorporated in the State of New Hampshire and with its principal place of business in New Jersey, and at the time suit was filed was a corporation incorporated in the State of New Hampshire and with its principal place of business in New Jersey. (See Appendix page 001, ¶ 3; page 002, ¶ 6; and pages 38 - 39.)

3. Because Plaintiff is now and was a citizen of Texas when suit was filed, and because Defendant Tudor is now and was at the time suit was filed a citizen of New Hampshire and New Jersey, complete diversity of citizenship exists among the parties.

4. Defendant Tudor files this Notice of Removal within 30 days of the date that the Defendant was notified of the suit. (See Appendix page 023 and 025.)

5. The amount in controversy exceeds \$75,000.00, exclusive of interests and costs.

(See Appendix page 001, ¶ 1.)

6. Because complete diversity of citizenship exists among the parties, and because the amount in controversy exceeds \$75,000.00 exclusive of interests and costs, this action is removable under 28 U.S.C. §§ 1332 and 1441.

7. Venue is proper in the present Court pursuant to 28 U.S.C. 1441(a), because the U.S. District Court for the Southern District of Texas, Corpus Christi Division embraces the 343rd District Court, Aransas County Texas, where the State Court Action was originally filed and where the property is located.

8. True and correct copies of the state court filings to date are attached to this Notice. (See Appendix pages 001 – 036.)

CONCLUSION

By this Notice of Removal, Defendant does not waive any objections it may have as to service, jurisdiction or venue or any other defenses or objections it may have to this action, except as expressly herein admitted, and Tudor expressly reserves all defenses, motions and pleas.

Respectfully submitted,

By: s/*Robert G. Hogue*
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COUNSEL FOR DEFENDANT
TUDOR INSURANCE COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of October, a true and correct copy of this document was served on counsel for the Plaintiff as follows:

James M. McClenny
J. Zachary Moseley
Heather Hall Melaas
McCLENNY MOSELEY & ASSOCIATES, PLLC
516 Heights Blvd
Houston, Texas 77007

Via e-service

COUNSEL FOR THE PLAINTIFF

By: s/Robert G. Hogue
Robert G. Hogue